Alaska State Commission for Human Rights

2014 Annual Report

STATE OF ALASKA
HUMAN RIGHTS COMMISSION

March 10, 2015

The Honorable Bill Walker, Governor of Alaska
The Honorable Kevin Meyer, President, Alaska Senate
The Honorable Mike Chenault, Speaker, Alaska House of Representatives

On behalf of the Commission, I respectfully submit the 2014 Annual Report of the Alaska State Commission for Human Rights. The Commission is entering its 52nd year as Alaska's civil rights enforcement agency.

In 2014, thousands of Alaskans contacted the Commission staff with questions and requests for assistance. Of these Alaskans who reached out to the Commission, there was a twelve percent increase in complaints filed over the prior year. Complaints by people over the age of forty were up six percent, complaints based on disability increased by seven percent, and harassment complaints increased by five percent.

Despite the significant increase in complaint filings, Commission staff was able to complete nearly the same number of investigations as they did in the prior year. These efforts meant the agency saw only a slight increase to its total inventory of cases.

The Commission also continued its successful mediation program. Parties who voluntarily choose this opportunity to settle a complaint express enthusiasm and appreciation for that chance. The mediation program facilitated settlements in approximately seventy percent of the cases that were sent to mediation in 2014. The mediation program has been able to settle cases for significant back pay and job reinstatement, or something as simple as an explanation and apology.

In 2014, the Commission was able to hold one of its meetings in Kotzebue, which provided an opportunity to reach out to a community it had not visited in a long time. The Commission has experienced a significant increase in interest about the agency's website. In 2014, the Commission had an average number of 18,000 hits per month.

The Commission thanks you for your continued support of the agency's mission to prevent and eliminate discrimination in Alaska.

Lester C. Lunceford
Chairperson

COMMISSIONERS

CHRISTA BRUCE, Ketchikan
MICHELE CHRISTIANSEN, Anchorage
JASON B. HART, Anchorage
IMMANUEL LEWIS, Anchorage
LESTER C. LUNCEFORD, Whittier
GRACE E. MERKES, Sterling
JOYCE SKAFLESTAD, Hoonah

COMMISSION STAFF

Paula M. Haley, Executive Director
Brooke Alowa, Chief of Enforcement
Stephen Koteff, Human Rights Advocate
Elizabeth Smith, Human Rights Attorney
Schuyler Reid, Administrative Officer
Joyce A. Hardy, Docket Officer
Carolyn Thomas, Law Office Assistant
Pamela Cleaver, Office Assistant
Jennifer Garrett, Commission Secretary
Nanette C. Gay, Investigations Director
Matthew Jendrusina, Investigations Director
Linda Allen, Investigator
Gita Franklin, Investigator
Sasha Manesh, Investigator
Jim Rehmann, Investigator
Jamie Stein, Investigator
Jocelyn Thammavongsa, Investigator
Patricia Watts, Investigator
Carla Williams, Investigator

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

800 A Street, Suite 204
Anchorage, Alaska 99501-3669

www.humanrights.alaska.gov

ANCHORAGE AREA
1-907-274-4692

TTY/TDD (Hearing Impaired)
1-907-276-3177

STATE-WIDE TOLL-FREE COMPLAINT LINE
1-800-478-4692

STATE-WIDE TTY/TDD TOLL-FREE COMPLAINT LINE
1-800-478-3177

FOR ADDITIONAL COPIES OF THIS REPORT, INFORMATION REGARDING ALASKA'S HUMAN RIGHTS LAW, OR TO FILE A COMPLAINT, PLEASE CONTACT THE COMMISSION AT THE ADDRESS OR PHONE NUMBERS ABOVE.

PUBLIC HEARING CASES

In the following cases, unless otherwise noted, the Commission staff found substantial evidence existed to support the complainants' allegations. Informal conciliation efforts were unsuccessful, and the staff forwarded the cases to the Commission for public hearing.

In ***Littleton Buxton and Nancy Cox v. Parkview Condominiums Owners Association and Property Management Services, Inc.,*** complainants alleged that respondents discriminated against them when respondent refused to provide reasonable accommodations for their disabilities. Mr. Buxton and Ms. Cox requested that respondent allow them to park their car closer to their residence for loading and unloading purposes, but their requests were denied. A hearing scheduled for October 14–16, 2014, was continued when the parties entered into a settlement agreement that provides for dismissal of the action once the terms of the settlement are satisfied. At the end of 2014, respondent had not yet fulfilled all of their settlement obligations.

In ***Jennifer Bozine v. Alaska Sales and Service, Inc.***, complainant alleged that she was discriminated against because of her sex when she was involuntarily transferred out of respondent's body shop while a less experienced male coworker was not transferred, and that she was forced to resign because she was prevented from pursuing her career as an automobile body painter. A hearing has been scheduled for March 2–4, 2015.

In ***Jose Manuel Calleros, Francisco J. Quintana-Lozoya, Cesar Burgueño, Ramiro Solis, and Abel Burgueño v. Baltazar Enterprises, Inc.***, complainants alleged that respondent discriminated against them on the basis of their race, Hispanic, and national origin, Mexican, by subjecting them to a hostile work environment and forcing them to resign from their jobs as seasonal tire technicians. Complainants alleged that after respondent recruited them from California to work at its tire shop in Anchorage, respondent's owner refused to allow them to take regular bathroom and lunch breaks and repeatedly subjected them to racial epithets. A hearing scheduled for November 10–14, 2014, was continued when the parties entered into a settlement agreement in which respondent agreed to provide a total of $13,000 in back pay to the complainants and to obtain training on the provisions of the Alaska Human Rights Law. On December 5, 2014, after respondent fully complied with the settlement's terms, the Executive Director moved for dismissal and the Commission issued an order dismissing the case.

LOYALTY UNREWARDED

A fourteen year delivery driver alleged that his employer treated him less favorably than non-disabled employees by making him work longer hours and scrutinizing his work more closely. The employer terminated the employee after he had an altercation with a co-worker. The employer asserted that it treated the employee no differently than his peers. Commission staff found that the employer treated the disabled employee less favorably than non-disabled workers when it fired him for fighting, but did not fire non-disabled employees for the same offense, and assigned him more work than his peers. The employer conciliated the case, paid the disabled employee $16,000 and trained its employees.

MAGIC RESOLUTION

A management employee complained that his employer treated him differently than his younger colleagues. Investigation revealed that the owner of the company and its general manager referred to him as "old man" and "the wizard," believed a younger employee would be more suitable for the job, and terminated his employment because of his age. Commission staff found substantial evidence of age-based discrimination and that the company resisted hiring any employees over the age of forty. As part of a conciliation agreement, the company paid the employee $40,000, provided training to its employees, and adopted anti-discrimination policies.

In ***Jeff Francis v. Mat Su Medical Center, LLC***, complainant alleged that respondent failed to accommodate his mental disability and terminated his employment as a dishwasher because of his disability. On September 10, 2014, the Executive Director dismissed the case without referring the case to hearing because a hearing would not represent the best use of Commission resources and would not advance the purposes stated in AS 18.80.200, and because the probability of success on the merits of the case was low.

In ***Deanna Gilman v. Kendall Ford Alaska, LLC,*** complainant alleged that she was discriminated against because of her sex when respondent terminated her employment as an automobile salesperson after she took approved leave, and that a male coworker was allowed to take leave for an equivalent period of time. A hearing scheduled for April 8–10, 2014, was vacated after the parties reached a settlement. Respondent agreed to pay complainant $55,000 and provide training to its managers and supervisors on the provisions of the Human Rights Law. Commission staff moved to dismiss the case on July 21, 2014, after verifying that the terms of the settlement had been satisfied. The Commission issued a dismissal order on August 22, 2014.

In ***Evanjelina Gonzalez v. Duke Investments, LLC,*** complainant alleged that she was discriminated against because of her disability when respondent, which owned and operated two Chili's restaurants in Alaska, failed to provide her with a reasonable accommodation and terminated her employment. A public hearing was scheduled for October 23, 2013; however, after respondent failed to answer the accusation or respond to discovery requests, the administrative law judge recommended that a default judgment be entered against respondent in the amount of $101,293.86. The Executive Director thereafter sought and obtained a share of the proceeds from the sale of one of respondent's liquor licenses in the amount of $28,695. This amount was held in escrow, and paid to Ms. Gonzalez after the Commission adopted the recommended decision on January 30, 2014.

In ***Paula Haley, Connor Carle, and Sydney Peterson v. Sullivan's of Alaska, Inc., d/b/a Sullivan's Steakhouse***, the Executive Director and two individual complainants filed three separate complaints against respondent, alleging that respondent terminated the employment of at least five employees, including Mr. Carle and Ms. Peterson, because they were under the age of eighteen. A hearing has been scheduled for May 4–7, 2015.

NO FLYING BELOW THE RADAR

Two pilots alleged retaliation for opposing discrimination. They claimed that when their employer considered re-hiring a former employee who was an outspoken racist, the pilots alerted their supervisor that the potential re-hire frequently made derogatory statements about Alaska Natives. In response, the employer disciplined the two pilots and labelled them "trouble-makers". The Commission staff found that the employer had retaliated against the pilots for opposing discrimination. The employer adopted and disseminated policies prohibiting discrimination and provided training for all its employees.

BACK RUB, NO THANKS!

A female server alleged that her employer discriminated against her on the basis of her sex and retaliated against her for opposing discrimination. She alleged that her male supervisor subjected her to unwelcome touching of a sexual nature. She alleged he flicked her ear, adjusted her collar, and rubbed her back. She asserted she told him to stop, but he continued to touch her. After she complained, the employer terminated her, saying they needed someone with a different personality. In a mediation settlement, the employer paid her $7,500 and provided sexual harassment training to staff.

In ***Joanna Hansen v. Matanuska-Susitna Borough Department of Finance, Revenue & Budget Division,*** complainant alleged that she was discriminated against because her employer failed to provide a reasonable accommodation for her disability. Complainant alleged that respondent granted her leave to undergo and recover from surgery and that respondent terminated her employment while she was still on approved leave. A hearing scheduled for March 18–19, 2014, was vacated because the parties reached a settlement in which respondent agreed to pay complainant $10,000 in back pay and provide three hours of training to its managers, supervisors, and employees on the provisions of the Human Rights Law. Commission staff moved to dismiss the case on April 23, 2014, after verifying that the terms of the settlement had been satisfied. The Commission issued a dismissal order on August 22, 2014.

In ***Michele Jacketta v. Home Depot,*** complainant alleged that respondent discriminated against her because of her disability when it failed to engage in the interactive process and provide her with a reasonable accommodation and instead terminated her employment. A public hearing scheduled for August 23–25, 2011 was vacated after the parties agreed to settle the case. Respondent agreed to pay complainant $8,114.34 in back pay and to obtain training for its managers and human resources personnel on the Human Rights Act, with a focus on the Act's disability provisions. After respondent complied with all settlement provisions, Commission staff filed a motion to dismiss the case, and on January 10, 2014, the Commission issued a dismissal order.

In ***Deeana Justice v. Pacific Rim Associates I, Inc., d/b/a Regency Fairbanks Hotel***, complainant, who worked as a front desk manager at respondent's hotel, alleged that she and other employees were sexually harassed by two male coworkers, that she reported the harassment to the hotel's management, and that the management took no action in response to her complaints. A hearing scheduled for March 3–4, 2015, was continued after the parties reached a settlement agreement in which the respondent agreed to provide training for its managers and supervisors on the provisions of the Human Rights Law. At the end of 2014, a final resolution of the case was pending respondent's completion of the terms of the settlement.

DOCTOR'S ORDERS

A general manager alleged that her employer discriminated against her on the basis of her disability. After a medical absence due to a stroke, she returned to work. Although her doctor recommended that she only work two consecutive days at a time, she claimed her employer forced her to attend meetings on her days off and subsequently terminated her. The parties settled the case in mediation. The employer paid her $20,000 and provided a neutral reference to prospective employers.

NEED NOT APPLY

An African-American administrative coordinator alleged that her employer discriminated against her on the basis of her race and retaliated against her for opposing discrimination. She asserted she had successfully performed the majority of tasks for a vacant position, but was denied the opportunity to apply; instead her employer selected an unqualified Caucasian. After she complained that this was race discrimination, the new operations director became hostile, disciplined her, and placed her on probation. The coordinator resigned and filed a complaint with the Commission. In mediation, the employer agreed to pay her $20,000.

In ***Denise Kichura v. Wasilla Health System, LLC,*** complainant alleged that she was subjected to unwelcome sexual advances by her supervisor and that her supervisor denied her a promotion after she rejected the advances. Complainant also alleged that she was forced to resign after she complained to respondent about her supervisor's conduct and nothing was done. A hearing scheduled for March 4–6, 2014, was vacated after the parties reached a settlement in which respondent agreed to provide training to its managers and supervisors on the provisions of the Human Rights Law. At the end of 2014, a final resolution of the case was pending respondent's completion of the terms of the settlement.

In ***Ashley M. Lahaie v. Subway,*** complainant alleged that her employer discriminated against her based on her sex and retaliated against her for complaining of discrimination. Ms. Lahaie alleged that after she complained about a co-worker's unwelcome sexual advances, respondent transferred her to another store, demoted her from a supervisory capacity, and then removed her from the work schedule. A hearing has been scheduled for January 13–15, 2015.

In ***Amormio Lapan v. Pegasus Aircraft Maintenance, LLC,*** complainant alleged that he was discriminated against when his employer refused to provide a reasonable accommodation for his disability. A hearing has been scheduled for January 8–9, 2015.

In ***Kelly Lemon v. Antonio Anderson and North Star Security Agency, LLC,*** complainant alleged that she was discriminated against because of her sex when respondent subjected her to unwanted sexual advances to the point she felt her only alternative was resignation. A public hearing scheduled for February 20–21, 2014, was continued after the parties entered into a settlement agreement in which respondent agreed to pay Ms. Lemon $2,000 in back pay and to obtain training for its owner on the provisions of the Human Rights Law. On December 5, 2014, the Commission dismissed the case after the Commission staff verified that respondent had complied with all of the agreement's terms.

In ***Joyce Miguel v. J & M Co. Ltd., d/b/a Korean BBQ or Yummy Yummy Korean BBQ***, complainant alleged that respondent refused to hire her as a cashier because of her age, forty, and her race, Caucasian. A public hearing in the case is scheduled for April 23–24, 2015.

EQUAL ATTITUDE

A female auto detailer alleged that her employer discriminated against her on the basis of her sex. She claimed that the manager berated her, said she had a negative attitude and sent her home, but did not send male employees home who behaved the same. Three days later her employer terminated her. The mediation program facilitated a settlement in which the employer paid her $2,000.

MORE THAN A LITTLE BIT PREGNANT

A woman attempting to enroll in an educational program alleged discrimination based on pregnancy. The agency that offered the program had adopted a policy barring students past the first trimester of pregnancy from participating in its programs. The Commission staff found that this practice was discriminatory. The agency conciliated the complaint, allowing the woman to enroll, revised policies, and provided training to all its staff.

AGE +

A 56-year-old male retail employee alleged that his employer discriminated against him on the basis of age and sex. He said he applied for promotions but was passed over for younger coworkers. He also claimed the employer terminated him one month after he and a younger female employee had a verbal altercation. The employer did not terminate the younger female. In mediation, the store agreed to pay him $1,870 and provided a neutral reference.

In ***Daniel Morgan v. American President Lines, Ltd.***, complainant, a longshoreman, alleged that respondent refused to provide him with crane operator training because of his age, fifty-six. At the end of 2014, a public hearing has been scheduled for February 26–27, 2015.

In ***Kenneth Probst v. Evergreen Helicopters of Alaska, Inc.,*** complainant alleged that he was discriminated against based on his age, seventy–one, when he was fired and replaced by a younger, less qualified employee. A public hearing scheduled for February 24–26, 2014, was vacated after the parties reached a settlement in which respondent agreed to pay Mr. Probst $70,000 and conduct training on the provisions of the Human Rights Law. Commission staff moved to dismiss the case on May 6, 2014, after verifying that the terms of the settlement had been satisfied. The Commission issued a dismissal order on August 22, 2014.

In ***Harry Ross v. Alaska Railroad Corporation,*** complainant alleged that respondent failed to promote him because of his race, Black. After a public hearing, the Commission dismissed the case. Complainant appealed the decision to the Superior Court, and on March 30, 2012, the court reversed the Commission's decision and remanded the case to the Commission. The Commission referred the matter to the Office of Administrative Hearings, and the parties briefed the issues on remand to an administrative law judge (ALJ). Briefing was completed on December 11, 2012. On April 28, 2014, the administrative law judge issued a decision recommending that the Commission again dismiss the case. On May 19, 2014, the ALJ forwarded the record to the Commission. At the end of December 2014, a final decision by the Commission was pending.

In ***Candice Schuyler v. Era Aviation, Inc.,*** complainant, a flight attendant alleged that she was discriminated against based on her age, sex and perception of physical disability when she was terminated while on leave recovering from an on-the-job injury. Ms. Schuyler was expected to fully recover after two months but was terminated after one month of leave. Before a hearing was scheduled, the parties reached an agreement to settle the case in which respondent agreed to provide training to its managers and supervisors on the provisions of the Human Rights Law. At the end of 2014, a final resolution of the case was pending respondent's completion of the terms of the settlement.

HR TAKE NOTE

A 33-year-old male communications technician alleged that his employer discriminated against him on the basis of his sex, age, and also retaliated against him for complaining about discrimination. He claimed that his older female coworker subjected him to intimidating and harassing behavior. He complained to human resources about this conduct, but no corrective action was taken and the behavior continued, and he was terminated one month later. The mediation program facilitated a settlement in which the employer paid the technician $34,490.

SERVICE DOGS ALLOWED

A disabled man residing in a trailer park was prescribed a service animal to alert him to dangerous changes in his medical condition. According to the resident, the property manager of the trailer park enforced a strict "No Dogs" policy and repeatedly tried to evict him because of the service dog. Commission staff found that the manager had violated the law by ignoring the service animal requirements. In a conciliation agreement, the trailer park agreed to adopt policies consistent with the law, undergo training, and change signs to clarify that service and companion animals are permitted.

In ***Makaen Serr v. ICE Services, Inc.***, complainant alleged that respondent treated her as a person with a disability when it terminated her employment as a dishwasher working at respondent's facility on the North Slope. Complainant asserted that she was fully capable of performing her job and that she was considered a valuable employee by her superiors in the company. At the end of 2014, hearing has been scheduled for February 24–25, 2015.

In ***Andrea Westfall v. ICE Services, Inc.***, complainant alleged that respondent treated her as a person with a disability when it refused to hire her for a lead cook position at respondent's facility on the North Slope. Complainant asserted that although she was respondent's preferred candidate, respondent rejected her application solely because she was taking a prescribed medication. At the end of 2014, an accusation in the matter had not yet been issued.

In ***Doretta Wheeler v. State of Alaska, Department of Health and Social Services, Palmer Pioneer Home,*** complainant alleged that respondent discriminated against her because of her age, fifty-eight, and disability when it terminated her employment and subsequently refused to rehire her. A hearing has scheduled for January 6–9, 2015.

In ***Anna Williams v. Robert L. Crumley d/b/a Exclusive Native Artwork Company,*** complainant alleged that respondent subjected her to a hostile work environment because of her sex and that because of the harassment she had no choice but to resign. Commission staff found substantial evidence to support complainant's allegations and attempts to conciliate the case failed on August 5, 2014. On August 22, 2014, the Executive Director dismissed the case without referring the case to hearing because relief was precluded by the absence of the respondent and a hearing would not represent the best use of Commission resources or advance the purposes stated in AS 18.80.200.

In ***Heather Yoder v. Karlene Muller d/b/a Karlene's Acupuncture and Day Spa,*** complainant alleged that respondent discriminated against her by reducing her hours and terminating her employment after she told respondent that she was pregnant. A hearing scheduled for May 22, 2014, was continued when the parties entered into a settlement agreement in which respondent agreed to pay complainant $3,500 in back pay and conduct training on the provisions of the Human Rights Law. Commission staff moved to dismiss the case on July 30, 2014, after verifying that the terms of the settlement had been satisfied. The Commission issued a dismissal order on August 22, 2014.

COSTLY DIFFERENCE

A 50-year-old manager alleged that her employer discriminated against her on the basis of her age. She asserted supervisors scrutinized and criticized her performance and treated younger managers better. She said her supervisors were hostile towards her and threatened her with written warnings and a performance improvement plan. She asserted younger managers were not subject to this treatment. When she felt her work environment had become intolerable, she resigned. The employer agreed to pay her $20,000 in a mediated settlement.

HAPPY ENDING

A long-time customer alleged that a restaurant discriminated against her on the basis of her physical disability and her race, Alaska Native. She said that she had been in the restaurant less than an hour, finished her meal, and was waiting for a friend. The manager told her to leave because she had exceeded the time limit for staying there. She asserted that other customers who are not disabled and not of her race are allowed to stay in the restaurant without any time limit. The parties reached a mediated settlement in which the restaurant apologized, agreed she was welcome back to the restaurant and would be treated the same as other customers, created a problem resolution procedure if she had future problems, and paid her $100.

LITIGATION

In ***Ace Delivery and Moving v. Alaska State Commission for Human Rights***, respondent appealed a decision after hearing denied its motion for attorney's fees in the case of ***Janet Wass v. Ace Delivery and Moving***. In ***Wass,*** complainant alleged that respondent's owner subjected her to a hostile work environment by making offensive comments about Jewish, Muslim, and Mexican people. After a hearing was held before an administrative law judge, the Commission dismissed the case, finding that the comments were not directed toward Ms. Wass because she is not Jewish, Muslim, or Mexican. Respondent then asserted in its request for attorney's fees that it prevailed because respondent's owner's comments were constitutionally protected free speech, despite the fact that the administrative law judge rejected this defense in a summary decision order prior to the hearing. The Alaska The Superior Court affirmed the denial of attorney's fees and respondent appealed to the Alaska Supreme Court. At the end of 2014, briefing in the case had been completed and oral argument before the Court was pending.

In ***Alaska State Commission for Human Rights v. AB&M Enterprises, Inc.,*** the Commission filed an action in The Superior Court to enforce its order in the matter of ***Melissa Parrish v. AB&M Enterprises, Inc., d/b/a Rumrunner's Old Towne Bar and Grill***. In that matter, complainant alleged that respondent discriminated against her because of her sex after she reported that she was physically and sexually assaulted by a male coworker at her home. Complainant asserted that when she returned to work she told respondent that she was intimidated and frightened by her coworker's presence but respondent took no action to address the problem. Complainant alleged that her coworker's presence created an intolerable working condition and she was forced to resign, and that respondent then retaliated against her for complaining of discrimination by banning her from its premises. After a public hearing, the Commission issued an order on November 6, 2012, finding that respondent discriminated against and retaliated against complainant, and ordering respondent to pay her $4,531 and obtain six hours of training for its owners and managers on the provisions of the Alaska Human Rights Law. The Commission also ordered respondent to pay the Commission $6,200 in sanctions for failing to comply with discovery requests and orders in good faith. The Commission filed the enforcement action on September 17, 2013, after respondent failed to comply with the Commission's order. On January 2, 2014, the court entered a default order against

OSTRICH-LIKE MANAGEMENT

Several female employees of a hotel complained to their supervisor that a male employee repeatedly subjected them to offensive and unwanted conduct of a sexual nature, including unwelcome physical contact. The women went to management to complain, but the managers did nothing. Commission staff found evidence showing that over the course of three months, several female employees complained about sexual harassment in the workplace, and management failed to take any corrective action. The hotel conciliated and agreed to adopt anti-discrimination policies and train its employees.

BRACE FOR A SETTLEMENT

A female veteran with a military service-related hand injury used a brace. With the brace, she was able to perform her job without difficulty. When she injured her hand again, she had to wear a more substantial brace. The company required her to get a doctor's release to come back to work. The doctor restricted her from typing for three weeks and the company fired her. Commission staff found the company discriminated against the veteran on the basis of her disability. As part of the conciliation agreement, the company paid her over $7,000 and trained its employees.

respondent. At the end of 2014, the partied were engaged in discussions to settle the matter.

In ***Alaska State Commission for Human Rights v. The New Printers Workshop,*** the Commission filed suit to enforce its order in ***Michael Hansen v. The New Printers Workshop.*** In that case, the Commission found after a public hearing that respondent violated the Human Rights Law when it terminated complainant in retaliation for filing a discrimination complaint. In an order entered June 20, 2011, the Commission required respondent to obtain anti-discrimination training for its managers and employees and pay complainant $1,440 in back pay. After respondent failed to make the payment, the Commission filed an action in the Superior Court to enforce its order. Respondent failed to respond to the complaint, and on May 13, 2013, the court entered a default judgment in favor of the Commission. At the end of 2014, the Commission was continuing to pursue payment by respondent.

In ***Kimberley Bernhardt v. Alaska State Commission for Human Rights,*** complainant alleged that her employer, Interstate Brands Corporation, discriminated against her because of her physical disability when it refused to provide her with a reasonable accommodation and terminated her employment. On December 23, 2011, the Commission staff closed the case because complainant filed a complaint in The Superior Court alleging the same violations of AS 18.80 as were alleged in her Commission complaint. Complainant appealed the decision to the Superior Court. The appeal was stayed pending resolution of Chapter 11 bankruptcy proceedings filed by Interstate Brands Corporation. At the end of 2014, the stay remained in effect.

In ***Red Bradley v. Alaska State Commission for Human Rights***, complainant alleged that the University of Alaska refused to hire him as a professor because of his age and in retaliation for complaining about discrimination. Commission staff found that complainant's allegations were not supported by substantial evidence, and complainant appealed the decision to the Superior Court. On December 2, 2014, complainant moved to dismiss the appeal after filing a separate civil action against the University of Alaska in the Superior Court. At the end of 2014, complainant's motion to dismiss was pending.

RESPECT YOUR YOUNGERS

A 27-year-old server alleged that her supervisor discriminated against her on the basis of her age by harassing her. She said her supervisor spoke to her in a demeaning manner and cursed at her. Older coworkers were not treated in this manner. The server asserted that conditions became intolerable and she was forced to quit. The mediation program facilitated a settlement in which the employer paid her $900 and the supervisor provided her with a written apology.

THINK ACCOMMODATION

A nurse alleged she was discriminated against by her employer on the basis of her physical disability after she had surgery. Her physician released her to return to work with no restrictions. When back on the job, the nurse suffered some residual effects from her recovery process, resulting in absences from work. Her employer required her to undergo a fit-for-duty examination, and informed her that she could not return to her position, but could apply for other open positions. Commission staff found that the employer discriminated against the nurse when it failed to assist her in securing a position until after the nurse filed a complaint of discrimination. By that time, the nurse had suffered substantial financial harm, and in conciliation, the employer paid the nurse nearly $60,000 in lost wages and trained its employees.

In ***Gregg Conitz v. Alaska State Commission for Human Rights,*** complainant alleged that Teck Cominco Alaska, Inc., discriminated against him because of his race, Caucasian, when it failed to promote him to a supervisory position. Commission staff found that complainant's allegations were not supported by substantial evidence. Complainant appealed the decision to the Superior Court, and the court dismissed the appeal on February 17, 2011. Complainant then appealed to the Alaska Supreme Court. On September 20, 2013, the Supreme Court affirmed the dismissal, finding that Mr. Conitz's claims were barred by res judicata. The Commission filed a petition for rehearing on September 30, 2013, seeking a modification of the opinion as it relates to the Executive Director's ability to independently pursue a case in the public's interest. On March 7, 2014, the Court modified its decision, holding that re judicata does not bar the Commission from seeking public interest relief.

In ***Jeffrey Graham v. Alaska State Commission for Human Rights***, complainant alleged that the Municipality of Anchorage discriminated against him on the basis of his race, Korean, and age, forty-eight. Commission staff determined that complainant's allegations were not supported by substantial evidence and closed the case. Complainant filed an appeal in The Superior Court on September 23, 2013. On September 18, 2014, the Superior Court affirmed the Commission staff's decision and dismissed the appeal.

In ***Sue Grundberg v. Alaska State Commission for Human Rights,*** complainant alleged that the State of Alaska, Department of Transportation, discriminated against her because of her age, fifty-eight, and race, Asian, when it failed to promote her to an engineer position. Commission staff found that complainant's allegations were not supported by substantial evidence and closed the case. The Superior Court affirmed this decision on appeal, but the Alaska Supreme Court reversed the Commission's decision and remanded the case to the Commission with a finding of substantial evidence. Complainant then filed a civil action in The Superior Court against the Department of Transportation alleging the same facts as she alleged in her Commission complaint, and the Executive Director exercised her discretion not to refer the Commission case for a hearing and closed the case. Complainant appealed the closure, and the Superior Court affirmed the Commission's decision on August 21, 2013. Complainant then appealed to the Alaska Supreme Court. On August 22, 2014, the Supreme Court affirmed the Commission's decision and dismissed the appeal.

HR Missed the Mark

A woman in her twenties alleged that her employer discriminated against her on the basis of sex and age, and retaliated against her for opposing discrimination. Commission staff found that the woman's supervisor sought a romantic relationship with her, but she rebuffed him. After the rebuke, the supervisor prohibited her from attending a work conference and humiliated her in front of others. The woman complained to the human resources department. While the employer required training for staff, the woman's supervisor continued to mistreat her, demoted her and filled her position with a less-qualified man. The Commission staff found substantial evidence of discrimination. In conciliation, the employer paid the woman $143,000 and trained all its employees on the laws prohibiting discrimination.

For Every Season

A seasonal truck driver alleged that his employer treated him as disabled by not allowing him to return to work after he suffered an on-the-job injury. When he told his employer that he was medically cleared to return to work, his employer informed him that he had been replaced. The parties mediated the complaint and reached a settlement in which the employer paid the driver $2,500.

In ***Layman Johnson v. Alaska State Commission for Human Rights*** complainant alleged that his employer, Price Gregory, International, subjected him to a hostile work environment and terminated his employment because of his age. Commission staff closed the case for lack of substantial evidence, and complainant appealed to the Superior Court on March 5, 2014. On December 30, 2014, the Superior Court issued a notice of its intent to dismiss the appeal based on complainant's failure to file a brief. At the end of 2014, a final decision by the court was pending.

In ***Walter Kurka v. Alaska State Commission for Human Rights***, plaintiff alleged that he was defamed by the Human Rights Commission when the Executive Director issued an accusation against his company and the accusation was posted on the Commission's web site. Plaintiff owned and operated the respondent business in ***Lyla Propps v. Alaskan Wood Products, LLC***, where Ms. Propps alleged that she was discriminated against because of her sex when respondent's owner subjected her to unwanted sexual advances and when respondent falsely accused her of theft after her employment was terminated. The Superior Court dismissed plaintiff's federal constitutional and section 1983 claims, but allowed plaintiff to proceed with state law tort claims in an amended complaint. On December 31, 2014, the Commission's motion to dismiss the case remained pending.

In ***Anthony F. Novak v. Alaska State Commission for Human Rights,*** complainant alleged that Federal Express retaliated against him by terminating his employment because he was a witness during a Commission investigation. Commission staff found that complainant's allegations were not supported by substantial evidence and closed the case, and complainant filed an appeal in the Superior Court. The Commission filed a motion for remand to address issues that were not fully investigated before the case was closed. On January 29, 2014, the court remanded the case to the Commission.

In ***Ramon Rivero v. Alaska State Commission for Human Rights,*** complainant alleged that the State Division of Workers Compensation discriminated against him based on his race and national origin by conspiring with others to falsify his medical records. Commission staff closed the case for lack of substantial evidence, and complainant appealed to the Superior Court on August 13, 2013. On September 5, 2014, the Superior Court affirmed the Commission staff's decision and dismissed the appeal.

ONE THING LEADS TO ANOTHER

A woman who worked in construction alleged that she had been sexually harassed and was terminated for complaining about the harassment. Investigation showed that her supervisor made unwelcome sexual advances toward her and subjected her to offensive sexual language. The woman reported the offensive conduct to another supervisor, who took no action on the complaint. The Commission found that there was substantial evidence of sex discrimination when the supervisor failed to respond to her sexual harassment claim, but that the woman's subsequent termination was part of a normal seasonal reduction in force, and was not retaliation for reporting harassment. The construction company conciliated and adopted an anti-discrimination policy and trained its employees on workplace discrimination.

DOESN'T ADD UP

A 66-year-old maintenance man alleged age discrimination after his employer hired a younger applicant for a position. The employer said the maintenance man and the younger applicant tied for the highest score on a hiring exam. Investigation revealed that, in fact, the older applicant had scored better on the exam. Commission staff found substantial evidence of age discrimination. As part of a conciliation agreement, the employer trained its employees and paid the complainant $31,000.

In ***Gilma Rodas v. Alaska State Commission for Human Rights,*** complainant alleged that her employer, Ocean Beauty Seafoods, LLC, discriminated against her because of her physical disability when it refused to provide her with a reasonable accommodation and terminated her employment. Commission staff did not find substantial evidence to support complainant's allegations and closed the case. On November 30, 2012, complainant filed an appeal with the Superior Court. At the end of 2014, the court had not yet issued a notice for preparation of the record on appeal.

In ***Luis R. Rodriguez v. Delta Airlines,*** complainant alleged that Delta Airlines discriminated against him because of his race, Hispanic, when it eliminated his position and subsequently selected a non-Hispanic employee with less seniority for a temporary position. Commission staff did not find substantial evidence to support complainant's allegations. On October 19, 2011, complainant appealed the Commission's decision to the Superior Court. The court affirmed the Commission's decision on October 30, 2013, and complainant appealed to the Alaska Supreme Court. At the end of 2014, briefing on the appeal had been completed and a decision by the court was pending.

In ***Clinton Thomas v. Alaska State Commission for Human Rights,*** complainant alleged that a manager for Park Place Homes, LLC, discriminated against him because of his disabilities and treated him differently than other tenants. Investigation did not find substantial evidence to support his claims and the case was closed on July 22, 2013. Complainant appealed to The Superior Court on August 8, 2013. Complainant then failed to file a brief and the case was dismissed for lack of prosecution on March 13, 2014.

In ***William Toliver v. Alaska State Commission for Human Rights,*** complainant alleged that Brown Jug, Inc., discriminated against because of his race, African American, when it barred him from purchasing alcohol at one of its stores. Commission staff did not find substantial evidence to support complainant's allegations. On appeal, the Superior Court affirmed the decision but the Alaska Supreme Court remanded the case to the Commission to conduct further investigation. After further investigation on remand, the Commission reaffirmed its earlier decision that complainant's allegations were not supported by substantial evidence, and complainant again appealed the decision to The Superior Court. On March 13, 2014, the Superior Court affirmed the Commission staff's decision and dismissed the appeal.

HEAR NO EVIL, SEE NO EVIL

African-American, Somali, and Caucasian employees of a seafood processor claimed that their Filipino supervisor discriminated against them because of their races and national origins by giving them fewer work hours than their Filipino coworkers. The employees complained to management that the supervisors subjected them to unfair discipline, and harassed them with racial taunts and physical intimidation. Commission staff found that there was substantial evidence to support discrimination based on race and national origin. In addition to verifying the claim regarding fewer work hours, Commission staff found that management was aware of the harassment and took inadequate measures to address it. In a conciliation agreement, the processor adopted anti-discrimination policies, trained its supervisors and managers, and paid lost wages to the employees.

FRESH EYES REQUIRED

A female server at a large restaurant alleged that her crew leader had subjected employees to offensive sexual comments. Commission staff investigated and found that a group of servers had presented a petition to management complaining about the offensive comments, but that management did nothing to investigate or remedy the conduct. When new management took over, the general manager counseled the crew leader about the offensive behavior. As part of a conciliation agreement, the restaurant provided training to its employees and managers.

2014 Case Processing Statistics

Analysis of Filings By Complainant's Sex

Female	231
Male	203
Director's Charge	5
Total Filings	439

Analysis of Filings By Complainant's Race

Caucasian	217
Black	63
Alaska Native	43
Hispanic	43
Asian	26
Unknown	19
Other	14
American Indian	9
Director's Charge	5
Total Filings	439

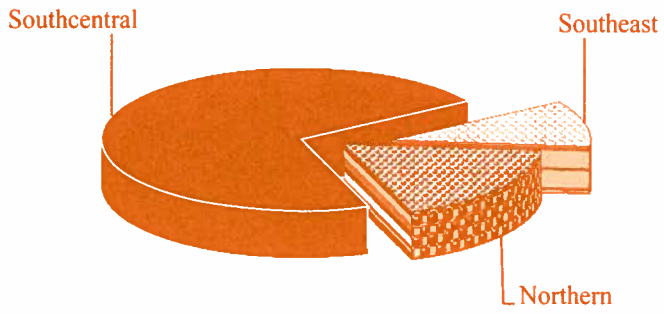
Analysis of Filings By Complainant's Age

20 years and under	11
21 – 40 years	158
41 – 60 years	223
61 years and over	42
Director's Charge	5
Total Filings	439

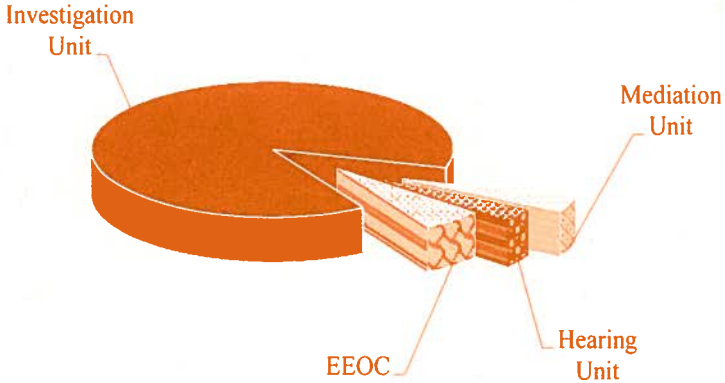
Analysis of Filings By Type

Employment	380
Public Accommodation	24
Housing	21
Government Practices	14
Total Filings	439

Origin of Complaints Filed with ASCHR by Region



Location of Cases Processed in 2014



Analysis of Filings by Basis

Basis	Single Basis Complaint	Multiple Basis Complaint
Physical Disability	61	56
Race/Color	43	97
Sex	39	81
Age	28	50
Mental Disability	21	54
Retaliation	15	64
Retaliation for Filing	11	20
Religion	10	14
National Origin	6	32
Pregnancy	4	4
Parenthood	1	2
Marital Status	0	2
Multiple Basis*	200	---
Total Filings	439	

Analysis of Filings by Issue

Issue	Single Issue Complaint	Multiple Issue Complaint
Terms & Conditions	40	196
Discharge	39	192
Failure to Hire	31	20
Failure to Accommodate	15	38
Sexual Harassment	7	43
Other	7	42
Denied Service	5	11
Eviction	4	8
Harassment	3	64
Failure to Promote	2	8
Demotion	1	8
Pay Equity	1	11
Failure to Dispatch	0	1
Multiple Issue*	284	---
Total Filings	439	

*Some complaints alleged more than one basis and/or issue.

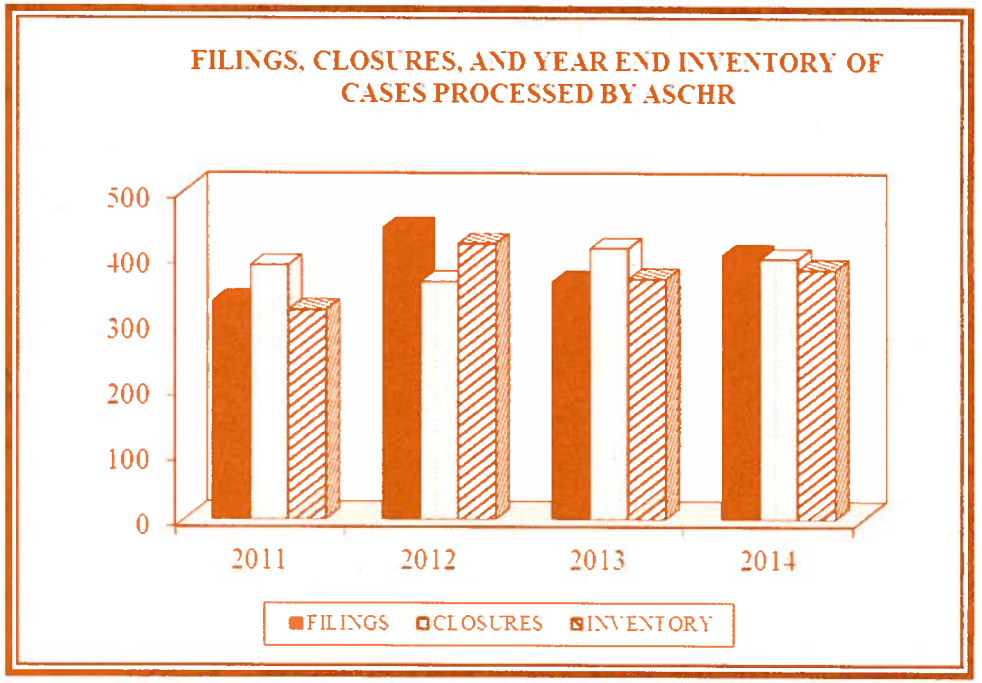
Analysis of 2014 Closures

Reason For Closure	Number of Closures
Mediation:	**18[1]**
Mediation – Successfully Settled	18
Administrative:	**25**
Complaint Withdrawn	12
Complaint Untimely or Lack of Jurisdiction	5
Complainant Not Available	3
Complainant to Court	2
Administrative Dismissal	2
Tribal Sovereign Immunity	1
Not Substantial Evidence	**327**
Conciliation and Settlement:	**36**
Pre-Determination Settlement (PDS)	20
Substantial Evidence / Conciliation Agreement	16
Hearing:	**14**
Decision for Complainant	10
Pre-Hearing Settlement	2
Administrative Dismissal	2
Total 2014 Closures	**420**

[1]The number of mediation settlements does not include 2 settlements negotiated in 2014 which closed in early 2015.

Determinations Finding Substantial Evidence of Discrimination

Substantial Evidence Findings:	**25**
Successfully Conciliated	5
Conciliation Failed	12
Pending	8



Summary of Closures

Category of Closure	2012	2013	Detail of 2014 Closures	
			ASCHR	EEOC
Mediation	27	18	15	3
Administrative	44	53	25	0
Not Substantial Evidence	316	335	310	17
Conciliation and Settlement	24	24	33	3
Hearing	14	11	14	0
			397[2]	**23**
Total Closures	**425**	**441**	**420**	

[2]The number of closures does not include completed investigations of 20 cases which are still in conciliation or were transferred to the Hearing Unit in 2014.

EEO PROGRESS IN STATE GOVERNMENT

Alaska Statute 18.80.060(6) requires the Commission to "make an overall assessment, at least every three years, of the progress made toward equal employment opportunity by every department of State government; results of the assessment shall be included in the annual report." To obtain relevant data for this assessment, the Commission's staff requested statistics from the agency charged with administering and overseeing the State's Equal Employment Opportunity (EEO) program: the Department of Administration, Division of Personnel. After review and analysis of these statistics, the Commission's Investigations Directors interviewed selected Commissioners, Deputy Commissioners, Special Assistants to Commissioners, and Administrative Service Directors about the progress, or lack thereof, made toward equal employment opportunity within their departments.

As in the last triennial assessment, the Commission looks in this report at statistics for minorities and women employed in State government, reviews the role of the Division of Personnel in the State's EEO program, and profiles selected departments to provide examples of how the State's EEO program is implemented. Overall, the data show from 2011 to 2014 there were no significant changes in the State's overall EEO profile. However, there was a substantial increase in the number of females employed at higher salary ranges. Similar to past years, some departments saw greater changes than did others. Four departments showed increases in both minority and female participation, while others demonstrated some losses in one or both categories.

MINORITIES AND WOMEN IN STATE GOVERNMENT

In this report, the Commission provides statistics for three calendar years ending in 2014. The data show that in 2014, minority employees comprised 21.4 percent of the State's permanent, full-time work force. This is a .9 percent gain over 2011. Nevertheless, this number remains 7.4 percent below the percentage of minorities (28.8) in State's labor force population. According to the statistics provided by the Division of Personnel, regarding permanent full-time, permanent part-time and permanent full-time and part-time seasonal employees; the percentage of African Americans represented has remained stable, and in 2014 posted 3.5 percent of the workforce in the Executive Branch of Alaska State Government. The percentage of Hispanics represented in the workforce has risen in past years and currently represents 3.3 percent of the overall workforce.

During the same three-year period, the percentage of female employees decreased from 50.6 percent to 50 percent. However, the percentage of higher-paying positions occupied by women increased. Significantly, the percentage of women in the highest wage bracket (>$6,999 a month) increased by 2.6 percent, and the percentage of women making from $6,000

to $6,999 a month increased by 5.1 percent; in the $5,000 to $5,999 bracket, the percentage of women employees grew by 4.6 percent. These increases are a continuation of the trend noted in the Commission's 2008 and 2011 EEO reports. Despite this progress, it should be noted that women continue to represent the majority of workers in the lowest-paying positions in State government.

THE ROLE OF THE DIVISION OF PERSONNEL AND LABOR RELATIONS

The Division of Personnel and Labor Relations ("the Division") has administered the State's EEO program since December 2002. The Division also informally investigates EEO complaints filed internally within the State departments and coordinates with state and federal civil rights enforcement agencies to defend formal complaints filed externally.

As noted above, at the close of 2014, more than 21 percent of the State's 14,484 permanent, full-time workers were minorities, an increase of 0.9 percent over 2011. In 2010 the Division finalized, published, and implemented the State of Alaska Executive Branch 2010 Affirmative Action Plan ("the Plan") after several years of review and deliberation. The Division describes the Plan as "a management tool designed to promote equal employment opportunity and to rectify the effects of any provable discrimination in State government employment." The placement goals of the Plan do not supplement statutory merit principles, and the placement goals are not quotas, which the Plan specifically prohibits. The Plan was revised in 1998, and again in 2010, based on 2000 census data. The Division of Personnel monitors compliance with the Plan and compiles annual reports on its progress.

The Division has continued to provide training to the various departments of the State of Alaska. Training included courses on compliance with EEO principles, as well as several other courses. In 2014, the Division completed 68 EEO-related training sessions, including 19 "A Respectful Workplace" classes, 32 "Valuing Diversity" classes, and 17 "Academy for Supervisors" sessions. In 2011, the Division reported completing 78 EEO-related training sessions, showing a 13 percent reduction in trainings provided for 2014.

In 2011, the State reorganized its human resource assets. There had been a single human resources department located in the Division of Personnel and Labor Relations, but after 2011, each State department maintained its own human resources department. Response to the 2011 change has been mixed, with some departments supporting the change and others feeling that they need more staff to address the Human Resources (HR) needs of their particular department.

Some Division responsibilities, such as classification, payroll, collective bargaining, and the management of the equal

employment opportunity program remain within the Division of Personnel and Labor Relations. Employees can choose to file EEO complaints directly with the HR personnel in their department, or to file with the Division.

The EEO Manager stated both minorities and women in the Executive Branch saw gains in the higher salary levels range 18 and higher, which were statistics the Division was glad to see. In addressing the last three years' accomplishments, the Director said that the Division has fully implemented the new Workplace Alaska recruitment system, which can better identify underrepresented applicants.

In the last reporting period, the then-Commissioner of the Department of Administration ("the Department") said that the Department was implementing a learning management system of online training to reach employees in rural areas who otherwise could not access the same training that employees in urban areas receive. This system would enable the Department to make certain courses mandatory department-wide and to provide better tracking of training received by employees. The EEO Manager further described the new system –called Learn Alaska- as now operational and available for all State departments. In addition to providing the training modules, Learn Alaska tracks trainings so departments can monitor who has completed mandatory training. The training potential of the system has not yet been fully realized as it is currently only available in Anchorage, but the EEO Manager is hopeful these trainings will be available statewide in the near future.

WORKPLACE ALASKA AND USE OF UNDERREPRESENTED REPORTS

Workplace Alaska, the State's on-line recruitment system, is used to fill position vacancies and to identify applicants in underutilized job classes. Departments in the Executive Branch now rely on a new Workplace Alaska program: NEOGOV. NEOGOV is widely used for public sector recruiting. Although the site still appears as "Workplace Alaska" to applicants, the NEOGOV system offers a more user-friendly, responsive process for applicants. EEO and veteran status data is still collected from applicants who voluntarily self-report such information in the "Applicant Profile" portion of the online application. Pursuant to State policy, hiring managers and supervisors are required to consider these applicants during the recruitment process. With the upgrade to the new system, the Division no longer uploads underrepresented data to the Workplace Alaska system. Now the information about job groups within their departments where minorities and/or females are underrepresented is provided directly to HR personnel, and HR personnel designate for the hiring manager applicants who should be considered based their EEO and veteran status.

The EEO Manager also noted that maintaining and increasing current levels of recruitment of minorities and women is among her goals for the coming years. With HR staff now reintegrated into the Departments, agency-specific training needs are easier to identify and provide.

SELECTED DEPARTMENT PROFILES

The **Department of Military and Veterans Affairs** posted gains in both minority and female participation during the last three years. Minority employment increased from 20.1 to 23.4 percent, and employment of women increased from 29.4 to 32.5 percent. The Department's Commissioner and Deputy Commissioner noted that the Department gains some of its diversity from actively recruiting members of the Armed Services, Military Youth Academy participants, and from conducting job fairs and recruitments. The Department recently received training from the Division of Personnel regarding harassment and appropriate workplace behavior. The Commissioner reported that the training had a positive impact on staff, but that more in-depth manager training is necessary for new or inexperienced managers. The Commissioner explained that the Department currently has only one HR position, and additional human resource positions have been requested for the Department, an increase he believes would prove beneficial to his current staff as well as to the Department's recruitment goals. The Department showed a decrease of 14 permanent positions in 2014 compared to 2011, and the Commissioner explained many of the lower range finance and accounting positions are difficult to fill because, although these positions require skill and training, they are relatively low-paid positions, and thus it is difficult to find and to keep ideal employees. The Commissioner explained the Department does not specifically recruit for diversity, but invites the most qualified applicants and celebrates the vast diversity of the Department every month by recognizing different groups throughout the year.

The **Department of Corrections** saw gains in minority and female participation during this assessment period. In 2014, minorities comprised 21.5 percent of the Department's permanent, full-time employees as compared to 21 percent in 2011. The number of women also increased from 36.2 to 37.2 percent during this same period. The Department's Director of Administrative Services expressed her satisfaction with the State's use of NEOGOV to improve Workplace Alaska and improve the Department's access to a more qualified applicant pool. The Commissioner expressed his desire that the Department's workforce should reflect the State's population and the diversity of inmates in its facilities. The Commissioner and the Director of Administrative Services explained in the past 3 years, the Department has opened a new facility, Goose Creek Correctional Center, and has been continuously recruiting and hiring for positions throughout the Department. The Department chose to promote current employees to fill new or open positions, which has resulted in many women being promoted into higher-range positions. The positions vacated by those women were filled with increasing numbers of women and minorities in these entry level positions. The Commissioner added that provisions of the Prison Rape Elimination Act (PREA) have boosted their need for female guards at some of the Department's facilities, but that stricter standards placed on Corrections employees by the Alaska Police Standards Council made it difficult to recruit from minority populations in rural Alaska due to restrictive requirements incorporated into required background checks. The

Department's Commissioner stated that the Department will be increasing its efforts to recruit underrepresented minorities and women in order to increase the diversity of the employee pool. The Commissioner is considering recruiting in other languages, including Alaska Native languages, in the hope that more minorities will apply for these jobs.

The **Department of Labor & Workforce Development** posted a decrease in minority employment and a slight increase in female employment. The Department continues to rank higher than most other departments in female participation at 63.5 percent, a gain of .4 percent from 2011, but showed a loss of 2.2 percent in minority employment bringing it to 18.7 percent for minority participation. The Department's 2014 changes in minority and female employment are reversal of this department's 2011 statistics: In 2011, the Department's minority employment rose 1.7 percent from 2008, and women decreased .6 percent. The Department's Commissioner stated that she was pleased to see the high representation of female employees, and explained the Department's budget has fluctuated and it is facing an overall reduction. According to the Commissioner, many of the vacant positions noted in the 2014 statistics consisted of administrative functions and clerical positions which had been left vacant in preparation for the reduced budget. Supervisors and managers throughout the Department are absorbing the duties of the administrative positions and completing much of their own clerical work, which may have impacted the percentages of women and minorities throughout the Department. According to the Commissioner, within the Department's recent history, there was an initial increase in the number of positions within the unemployment insurance section, likely due to the upsurge in federal benefits being issued to Alaska residents. However, since those federal funds decreased, the Department needed to eliminate some of the positions in that section. It should be noted that both the Commissioner and Deputy Commissioner were mere weeks into their new positions at the time of this interview, but that they were each hopeful that the EEO and Affirmative Action Plan goals can be considered despite the continuing decline in the Department's budget, and that they are enthusiastic about working closely with their human resources staff in achieving a diverse employee population within their department.

During this three-year assessment period, the **Department of Natural Resources** showed slight gains in both minority and female employment, an improvement over the previous

2014 State Of Alaska Workforce Permanent Full-time Employees

Ethnicity	Female	Male	Total
Alaska Native	413	329	742
American Indian	100	83	183
Asian	732	427	1159
Black	276	260	536
Hispanic	271	211	482
White	5,448	5,934	11382
Grand Totals	**7240**	**7244**	**14484**

2014 State Of Alaska Workforce Permanent Part-time Employees

Ethnicity	Female	Male	Total
Alaska Native	9	1	10
American Indian	5	0	5
Asian	13	5	18
Black	1	2	3
Hispanic	2	2	4
White	61	18	79
Grand Totals	**91**	**28**	**119**

2014 State Of Alaska Workforce Permanent Seasonal Employees

Ethnicity	Female	Male	Total
Alaska Native	52	89	141
American Indian	6	13	19
Asian	25	46	71
Black	4	18	22
Hispanic	18	30	48
White	418	797	1215
Grand Totals	**523**	**993**	**1516**

assessment period. In 2014, minorities comprised 10.8 percent of the Department's permanent, full-time employees, as compared to 10.0 percent in 2011, a gain of 0.8 percent. Female participation rose slightly from 50.3 percent to 50.9 percent. The Deputy Commissioner stated that increasing both minority and female hires continues to be very important to the Department. The Deputy Commissioner indicated the new Workplace Alaska format has been very helpful to HR in meeting employment goals. The Department has continued reaching out to the Alaskan Native Engineering Program at the University of Alaska, and has worked on repairing, building, and strengthening relationships with Native Corporations. The Department placed resources and materials at the annual Alaska Federation of Natives job fair and other job fairs throughout the state in an effort to meet placement goals. The Department's employment swells in the summer by about 500-600 positions with the hiring of seasonal firefighters, and more than half of those are Alaskan Native and other minority hires. Both current and former leadership in this department have lauded the decision to move human resources management back into individual departments. The Deputy Commissioner felt that this change directly helped impact the Department's morale, recruiting, and hiring goals. Having an HR department whose members are familiar with the DNR employees streamlines the addressing of problems, and makes employees more comfortable with coming forward with complaints or questions. A member of the Department's HR staff explained that she works in concert with the Division of Personnel for any tough issues that the Department's HR cannot handle and also coordinates with the Division to provide training for the Department. As for the Department's placement goals as established in the State's 2010 Affirmative Action Plan, this department plans to continue to reach out to the Alaskan Native community, and hopes the new Commissioner's previous career as a Vice Chancellor to the University of Alaska will open other doors and opportunities to increase the number of minority and women hires. The Deputy Commissioner hopes that, in light of upcoming reductions, DNR can retain the gains that they have achieved this rating period. According to the State EEO Manager, this department strives to hire qualified women and people of color, and also invests in their employees and the work environment so they retain workplace talent for years.

The Deputy Commissioner, the Administrative Services Director, and the HR Consultant assigned to the Department all acknowledged that many individuals who start at DNR in

Minorities and Females Employed in the Executive Branch of Alaska State Government Permanent Full-time, Permanent Part-time, and Seasonal 2005-2014

Year	Minorities	Percentage	Females	Percentage
2005	2708	18.4	7044	47.9
2006	2807	18.7	7230	48.3
2007	2953	19.5	7338	48.5
2008	3056	19.8	7591	49.2
2009	3128	19.9	7760	49.3
2010	3198	20.2	7819	49.4
2011	3208	20.4	7730	49.1
2012	3289	20.6	7878	49.3
2013	3350	20.7	7880	48.8
2014	3443	21.4	7854	48.7

Alaska Natives Employed in the Executive Branch of Alaska State Government Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal 2005-2014

Year	Number of Alaska Natives Employed	Percentage of Total Workforce
2005	809	5.5
2006	837	5.6
2007	885	5.8
2008	903	5.8
2009	893	5.7
2010	916	5.8
2011	903	5.7
2012	910	5.7
2013	875	5.4
2014	893	5.5

lower- level positions eventually are promoted. The Deputy Commissioners felt that one of the reasons that retention is possible is because there are many different types of jobs at DNR and because the Department strives to keep the work environment comfortable and harmonious.

The **Department of Administration** posted a gain in minority participation and a loss in female participation since the end of 2011. Minority employee numbers increased from 19.6 percent to 23.0 percent, while female participation decreased from 60.6 percent to 58.3 percent. The Director for the Division of Personnel & Labor Relations opined that there is an upward trend in the increased employment of minorities, and she credited the recruitment efforts of the Department staff that have staffed tables at AFN, and many job fairs statewide, in an effort to target the hiring of qualified minority applicants, specifically Alaska Natives. Regarding the losses of women, the EEO Manager pointed out that the Department's average number of women employees is higher than that of the Alaska civilian labor force, and that historically, more women work for public employers.

During the last three years, the **Department of Commerce, Community, and Economic Development** showed slight losses in both minority and female employment, losing gains made in the previous assessment period. In 2014, minorities comprised 17.6 percent of the Department's permanent, full-time employees, as compared to 18.6 percent in 2011, a loss of 1 percent. Female participation fell from 61.8 percent to 59.7 percent. The Department's Acting Commissioner attributed these statistics to its turnover rates, and the Department's Director of Administrative Services explained that the Department has been stable in minority participation since the beginning of 2013. The Director also pointed out the Department remains above the overall Executive Branch percentages for females, and employs a higher percentage of minorities and females in range 18 or higher positions. The Acting Director explained the Alaska Native Language Preservation & Advisory Council resides within the Department and contributes to community outreach in rural communities. He also explained that a portion of the Department was eliminated in 2012, but the Alcohol Beverage Control Board was then shifted into the Department and new positions will be created within that office due to recent statutory additions. According to the Director of Administrative Services, human resources management returned to this department in 2012, leading to improved accessibility to training, better evaluation

Alaska Native/Native Americans Employed by the State of Alaska
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal
2005-2014

Year	Number Employed	Percentage of Workforce
2005	1005	6.8
2006	1038	6.9
2007	1087	7.2
2008	1108	7.2
2009	1099	7.0
2010	1122	7.1
2011	1110	7.1
2012	1127	7.0
2013	1084	6.7
2014	1100	6.8

African Americans Employed by the State of Alaska
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal
2005-2014

Year	Number Employed	Percentage of Workforce
2005	499	3.4
2006	490	3.3
2007	505	3.3
2008	517	3.3
2009	528	3.4
2010	550	3.5
2011	541	3.4
2012	550	3.4
2013	551	3.4
2014	561	3.5

practices, and quicker resolution of issues specific to the Department. The Director stated the Department's human resources personnel have been more available to its employees and able to build better relationships to promote trust and participation throughout the Department. Department personnel have participated in training provided by the Division of Personnel, including manager training, diversity training, and other courses to strengthen the team environment. The Director also participates in informal meetings to discuss issues with the Division of Personnel and other HR elements throughout the State's Executive branch, which she feels has benefitted her department. The Acting Commissioner believes the Department can focus on its minority participation by better understanding the Alaska Native culture, and other minority cultures, and is confident the incoming commissioner has a strong connection with the Alaska Native community.

The **Governor's Office**, which has the highest percentage of female participation, showed a 1.2 percent gain in female employees rising from 71.8 in 2011 to 73 percent in 2014, and a gain of 3.1 percent in minorities employed rising from 18.3 in 2011 to 21.4 percent in 2014.The Department's current officials could not comment on the previous administrations success, but believes the Governor's Office will continue to improve its diversity.

Several other departments showed gains in minority and female participation during the last three years. The **Department of Revenue** showed an increase in minority participation from 24.3 percent in 2011 to 27.2 percent at the end of 2014. The 2.9 percent gain by the Department of Revenue places them second in minority participation for all Executive Branches of State Government. The **Department of Health and Social Services** had the highest percentage of minority employees, increasing from 30.6 percent in 2011, and ending 2014 with 32.3 percent, a gain of 1.7 percent minority participation. The **Department of Public Safety** showed an increase in minority participation at the end of 2014, rising to 16.4 percent from 15.2 in 2011. The overall percentage of females employed in the Executive Branch of Alaska State Government did not change significantly, but several departments not previously mentioned showed notable gains in the last three years. The **Department of Law** posted a .7 percent rise in female employment in 2014, a partial reversal of losses posted in 2011.

Asian/Pacific Islanders Employed by the State of Alaska
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal
2005-2014

Year	Number Employed	Percentage of Workforce
2005	872	5.9
2006	919	6.1
2007	958	6.3
2008	1018	6.6
2009	1070	6.8
2010	1086	6.9
2011	1115	7.1
2012	1163	7.3
2013	1225	7.6
2014	1248	7.7

Hispanics Employed by the State of Alaska
Permanent Full-time, Permanent Part-time, Permanent Full-time and Part-time Seasonal
2005-2014

Year	Number Employed	Percentage of Workforce
2005	332	2.3
2006	360	2.4
2007	403	2.7
2008	413	2.7
2009	431	2.7
2010	440	2.8
2011	442	2.8
2012	449	2.8
2013	490	3.0
2014	534	3.3

Minorities Employed in the Executive Branch of Alaska State Government Permanent Full-time 2011 and 2014

Department Name	2011			2014			Female Percentage Increase/ Decrease
	Total Employees	Minorities	Percentage	Total Employees	Minorities	Percentage	
Administration	1001	196	19.6	997	229	23.0	**3.4**
Commerce, Community and Economic Development	456	85	18.6	476	84	17.6	-1.0
Corrections	1445	303	21.0	1784	384	21.5	0.5
Education and Early Development	305	55	18.0	309	53	17.2	-0.8
Environmental Conservation	500	82	16.4	495	78	15.8	0.6
Fish and Game	821	74	9.0	840	76	9.0	0.0
Governor's Office	142	26	18.3	126	27	21.4	**3.1**
Health and Social Services	3168	969	30.6	3240	1047	32.3	**1.7**
Labor and Workforce Development	795	166	20.9	691	129	18.7	**-2.2**
Law	535	90	16.8	549	92	16.8	0.0
Military and Veteran Affairs	279	56	20.1	265	62	23.4	**3.3**
Natural Resources	690	69	10.0	684	74	10.8	0.8
Public Safety	807	123	15.2	821	135	16.4	1.2
Revenue	514	125	24.3	508	138	27.2	**2.9**
Transportation and Public Facilities	2754	493	17.9	2699	494	18.3	0.4
Grand Totals	**14212**	**2912**	**20.5**	**14484**	**3102**	**21.4**	**0.9**

Ranking Departments by Percentage of Minorities

Health & Social Services	32.3
Revenue	27.2
Military & Veterans Affairs	23.4
Administration	23.0
Corrections	21.5
Governor's Office	21.4
Labor & Workforce Development	18.7
Transportation & Public Facilities	18.3
Commerce, Community & Economic Development	17.6
Education & Early Development	17.2
Law	16.8
Public Safety	16.4
Environmental Conservation	15.8
Natural Resources	10.8
Fish & Game	9.0

Females Employed in the Executive Branch of Alaska State Government Permanent Full-time 2011 and 2014

Department Name	2011			2014			Female Percentage Increase/ Decrease
	Total Employees	Females	Percentage	Total Employees	Females	Percentage	
Administration	1001	607	60.6	997	581	58.3	-2.3
Commerce, Community and Economic Development	456	282	61.8	476	284	59.7	-2.0
Corrections	1445	523	36.2	1784	663	37.2	1.0
Education and Early Development	305	199	65.2	309	200	64.7	-0.5
Environmental Conservation	455	229	50.3	495	260	52.5	-0.9
Fish and Game	821	351	42.8	840	360	42.9	0.1
Governor's Office	142	102	71.8	126	92	73.0	1.2
Health and Social Services	3168	2248	71.0	3240	2264	69.9	-1.1
Labor and Workforce Development	795	502	63.1	691	439	63.5	0.4
Law	535	356	66.5	549	369	67.2	0.7
Military and Veteran Affairs	279	82	29.4	265	86	32.5	3.1
Natural Resources	690	347	50.3	684	348	50.9	0.6
Public Safety	807	265	32.8	821	264	32.2	-0.6
Revenue	514	332	64.6	508	323	63.6	-1.0
Transportation and Public Facilities	2754	722	26.2	2699	707	26.2	0.0
Grand Totals	**14212**	**7185**	**50.6**	**14484**	**7240**	**50.0**	**-0.6**

Ranking Departments by Percentage of Females	
Governor's Office	73.0
Health & Social Services	69.9
Law	67.2
Education & Early Development	64.7
Revenue	63.6
Labor & Workforce Development	63.5
Commerce, Community & Economic Development	59.7
Administration	58.3
Environmental Conservation	52.5
Natural Resources	50.9
Fish & Game	42.9
Corrections	37.2
Military & Veterans Affairs	32.5
Public Safety	32.2
Transportation & Public Facilities	26.2

Alaska Human Rights Law

The Alaska Human Rights Law is codified as Alaska Statutes 18.80.010 – 18.80.300. The Human Rights Law makes it unlawful to

DISCRIMINATE IN

- Employment
- Places of Public Accommodation
- Sale or Rental of Real Property
- Financing and Credit
- Practices by the State or its Political Subdivisions

BECAUSE OF

- Race
- Religion
- Color
- National Origin
- Sex
- Physical/Mental Disability

AND IN SOME INSTANCES BECAUSE OF

- Age
- Marital Status
- Changes in Marital Status
- Pregnancy
- Parenthood

What is the Human Rights Commission?

The Alaska State Commission for Human Rights is the State agency that enforces the Alaska Human Rights Law. The Commission consists of seven Commissioners appointed by the Governor and confirmed by the Legislature. The Commission employs a staff and maintains an office in Anchorage. The Commission has statewide jurisdiction. The Commission answers inquiries and accepts complaints from all regions of the state. The Commission also offers a free mediation program.

What does the Human Rights Commission Do?

The Commissioners

Establish policy and adopt regulations necessary to implement the Human Rights Law;

Hold public hearings to consider cases where conciliation efforts have failed;

Issue decisions applying the Human Rights Law to complaints;

Order back pay, reinstatement, or other appropriate relief to complainants;

Order the elimination of discriminatory practices; and

Enforce Commission decisions and orders in the Alaska courts.

The Commission staff

Accepts complaints of discrimination from persons alleging violations of the Alaska Human Rights Law;

Investigates complaints in a fair and impartial manner;

Attempts early settlement of complaints whenever possible;

Dismisses complaints when no violation of the Alaska Human Rights Law has occurred;

Conciliates complaints when the Alaska Human Rights Law has been violated;

Presents cases at public hearing before the Commission where investigation has found substantial evidence that discrimination occurred; and

Provides technical assistance and advice on the Alaska Human Rights Law and public outreach.

How Can The Commission Help You?

If you believe that you have experienced discrimination, you may contact the Commission. The Commission may assist you in filing a complaint.

If you need advice about your responsibilities under the Alaska Human Rights Law, the Commission staff can provide information.

Mediation: An Alternative to Investigation

WHAT IS MEDIATION?

Mediation is a free and entirely voluntary process to help parties resolve their differences and reach a mutually acceptable agreement that results in dismissal of the complaint.

Mediation is an impartial process that affords both parties an equal voice in whether and how a complaint will be resolved. A mediation can be scheduled quickly.

Parties exchange information and work together with the neutral mediator to try to resolve the complaint, but it is the parties – the stakeholders – who decide the settlement terms.

Mediation is confidential. The parties and mediator agree not to reveal information disclosed during the mediation process.

If parties reach a settlement, the Commission will dismiss the complaint. If no settlement is reached, the case will be transferred for a full and impartial investigation.

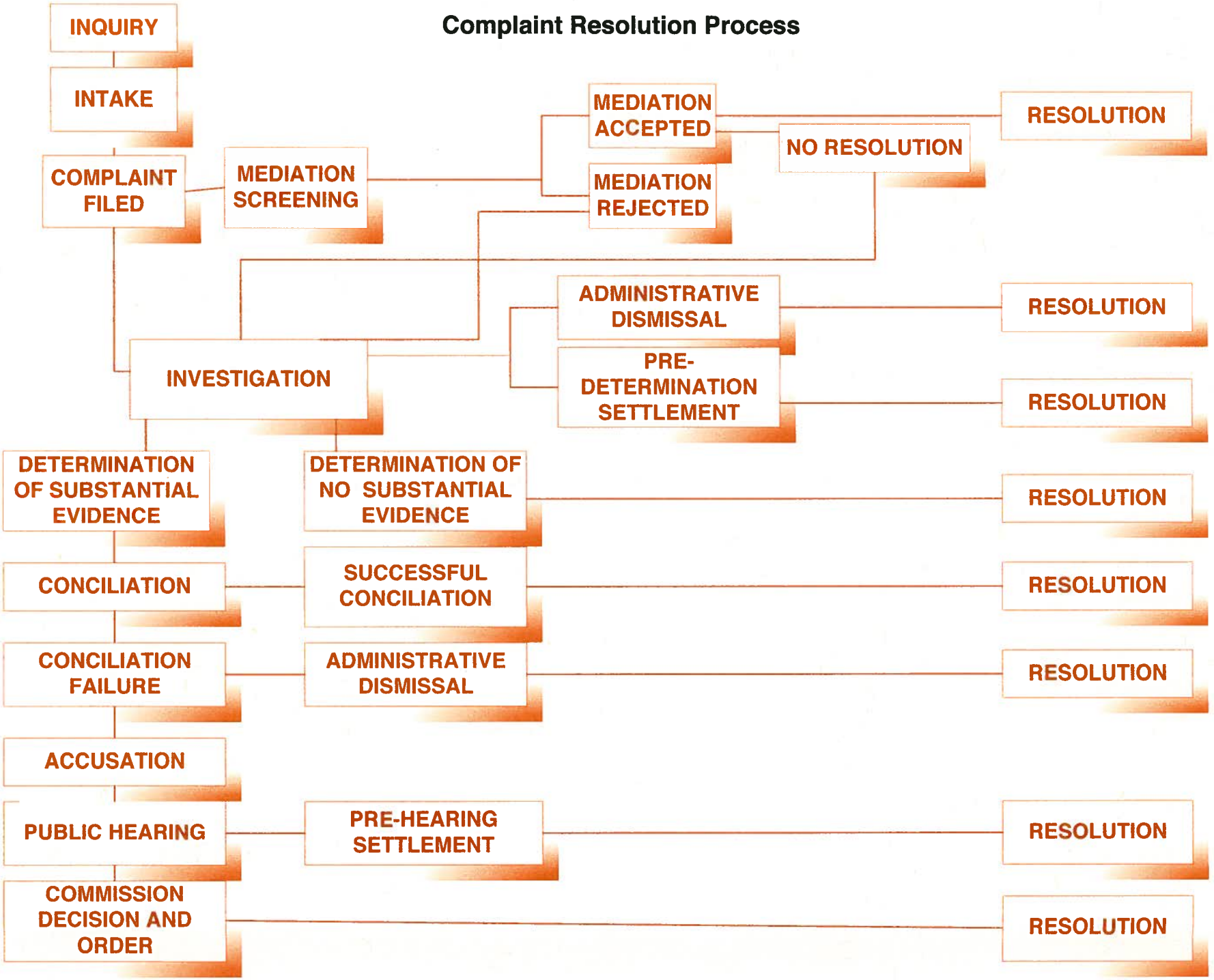
WHY MEDIATE?

Mediation…

- Is a positive and efficient alternative to investigation
- Affords parties the opportunity to resolve their differences quickly
- Is a fair and impartial process
- Avoids the need for an investigation
- Is voluntary and free of charge
- Does not affect the right to a full investigation if parties do not reach a settlement
- Is confidential

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

Complaint Resolution Process



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Alaska State Commission for Human Rights
800 A Street, Suite 204
Anchorage, AK 99501-3669